

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

In response to the Notice issued on November 20, 2008, all of the claims previously pending are canceled, and new Claims 45-63 are presented for consideration. Claims 45-63 read on the elected embodiment of the guide wire illustrated in Fig. 3.

Claims 1, 3, 8-14, 18-24, 26-31, 36, and 41-42 are rejected under 35 U.S.C. §103(a) as being unpatentable over Uchino et al ("Uchino," U.S. Patent No. 6,001,068) in view of Richardson et al ("Richardson," U.S. Patent No. 6,494,847). Uchino discloses a guide wire including first and second wires A, B, joined together at a weld. A connector 12 is slid over the joint/weld and bonded to the first and second wires A, B. A distal end portion of the wire A is buried in a coating 113.

The rejection of independent Claim 1 is based on the position that the first and second wires A, B of Uchino correspond to the claimed first and second wires, and the connector 12 of Uchino corresponds to the claimed cover layer. The Official Action correctly notes that Uchino fails to disclose a two cover layers without an axial gap and without an axial overlap with one another. In this regard, it is noted that Uchino's coating 113 is spaced from the connector 12 (i.e., the coating 113 is not disposed without an axial gap).

The Official Action relies on Richardson for its disclosure of various cover layers. Richardson discloses a guide wire having polymer jackets positioned over distal and core sections. The guide wire 50 includes proximal 52, intermediate 54 and distal 56 core sections formed from elongated core member 58. In one

embodiment, the intermediate core portion 54 has a polymeric jacket 62, the distal core portion 56 has polymeric jacket 64, and third polymeric jacket 66 bridges the intermediate core portion 54 and distal core portion 56. Richardson uses the polymeric jackets to provide different handling characteristics for the intermediate and distal end portions of the guide wire.

In Uchino, the handling characteristics of the guide wire are dictated by the first and second wires A, B, which are formed of different materials. Specifically, lines 8-45 of column 2 discuss how the second guide wire B is provided with a greater flexural rigidity than that of the first guide A wire to improve the operating characteristics. Because Uchino already addresses the issue of providing different handling characteristics, a person of ordinary skill in the art would not look to the disclosure of Richardson to modify the Uchino guide wire for the same reason. In other words, a person having ordinary skill in the art would not look to Richardson's disclosure to solve a problem that is already addressed by Uchino.

Additionally, the disclosure in Richardson does not provide for a cover layer covering a welded portion as recited in Claim 45. Indeed, in Richardson, there is no welded portion. Thus, an ordinarily skilled artisan, looking to improve operating characteristics of a welded guide wire would not look to the disclosure of Richardson.

Further, there is no disclosure in Richardson of how to implement the polymer jackets in Uchino's guide wire. Claim 45 sets forth a specific relationship of the position of the first cover layer relative to the welded portion, and the second cover layer. Because Richardson fails to disclose a weld, it cannot be said that this reference provides guidance about positioning the disclosed polymer jackets relative to a welded portion. Thus, an ordinarily skilled artisan would not glean from

Richardson's disclosure where and how to implement the polymer jackets in Uchino's guide wire, certainly not in such a way as to arrive at the claimed arrangement. For at least these reasons, withdrawal of this rejection is respectfully requested.

In addition, independent Claim 45 presented here recites that the second wire is made of a cobalt alloy or stainless steel, while the first wire is made of a superelastic alloy. Support for this language exists, for example, in the description beginning at paragraph [0060] of the present application. This particular combination of materials is not disclosed in either of the applied references.

In addition, Claim 45 defines the coil that encircles the distal portion of the first wire, and recites that the inside diameter of the coil is greater than the outer diameter of at least a part of the distal portion of the first wire so that a gap exists between an inner periphery of the coil and the outer periphery of that part of the distal portion of the first wire. This is disclosed by way of example in Fig. 3. Once again, such a construction is not disclosed in the cited references. Indeed, in Uchino's guide wire, the coil 112 contacts the wire portion.

It is thus respectfully submitted that Claim 45 is allowable.

New independent Claim 54 is additionally allowable because it also recites that the second wire is made of a cobalt alloy or stainless steel, while the first wire is made of a superelastic alloy. In addition, Claim 54 recites that the wire member is configured such that none of the wire member possesses an outer diameter greater than the outer diameter of the welded portion of the wire member. Support for this exists in, for example, Fig. 3 of the present application which shows that no portion of the guide wire has an outer diameter greater than the outer diameter of the welded

portion of the wire member. In Uchino, the weld between the members A, B actually possesses a reduced outer diameter relative to distally located portions of the wire A and proximally located portions of the wire B as clearly illustrated in Fig. 1 of Uchino. It is thus respectfully submitted that new independent Claim 54 is also allowable.

The dependent claims define further distinguishing features associated with the guide wire. As these dependent claims depend from allowable independent claims, a detailed discussion of the additional distinguishing features recited in dependent claims is not set forth at this time.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: December 22, 2008

By:

A handwritten signature in dark ink, appearing to read 'Matthew L. Schneider', is written over a horizontal line.

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